

HOUSE No. 2012

By Ms. Candaras of Wilbraham, petition of Gale D. Candaras and Frank M. Hynes relative to the loss of license to operate a motor vehicle for the refusal of a breathalyzer. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO LOSS OF LICENSE FOR BREATHALYZER REFUSAL.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 24(1) (f) (1) of Chapter 90, as so appearing, is hereby
2 amended by striking the words “at least a period of one hundred
3 and twenty days, but not more than one year for such refusal, no
4 such test or analysis shall be made and he shall have his license or
5 right to operate suspended in accordance with this paragraph for a
6 period of one hundred and twenty days; provided, however, that
7 any person who is under the age of twenty-one or who has been
8 previously convicted of a violation under this section or a like
9 violation by a court of any other jurisdiction within ten years of
10 the date of the charge in question shall have his license or right to
11 operate period of one hundred and eighty days for such refusal;
12 and provided, further, that any person previously convicted two or
13 more times for a violation under this section or a like violation by
14 a court of any other jurisdiction within ten years of the date of the
15 charge in question, shall have his license or right to operate sus-
16 pended forthwith for a period of one year for such refusal” in the
17 third sentence and substituting therefore the following:— a
18 mandatory period of two years, no such test or analysis shall be
19 made and he shall have his license or right to operate suspended
20 in accordance with this paragraph for a period of two years.